APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,208	02/22/2001	Andrew Rodney Ferlitsch	SLA 0345	5137

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EXAMINER
HUNTSINGER, PETER K

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/681,208	FERLITSCH ET AL.
		Examiner	Art Unit
		Peter K. Huntsinger	2624

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 October 2005 has been entered.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.   Claims 14-19 recite the limitation "said interface". The independent claim 13 includes a spooler interface and a command interface. Claims 14-19 must include the proper antecedent to differentiate between the two interfaces.

Response to Arguments

5.   Applicant's arguments with respect to claim 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-3, 5,13-15, and 20-22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sugiyama Patent 6,965,958.

Referring to claim 1, Sugiyama discloses a method for distributing a print task

among multiple printers, said method comprising the following acts in order: sending a

print task to a driver (col. 6, lines 22-27); converting said print task to a printer-specific

print task with said driver (col. 7, lines 8-21); sending said printer-specific print task to a

spooler (col. 6, lines 22-27); sending said printer-specific print task from said spooler to

a non-driver print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51); sending print

task modification commands to said non-driver print processor; and modifying said

printer-specific print task with said non-driver print processor (col. 5, lines 44-51).

Referring to claim 2, Sugiyama discloses wherein said sending said print task

modification commands comprises reading command data from a configuration file (col.

5, lines 31-32).

Referring to claim 3, Sugiyama discloses the act of prompting a user for print

task modification commands (Fig. 6, col. 5, lines 52-57).

Referring to claim 5, Sugiyama discloses wherein said prompting is driver-based

(col. 5, lines 52-57).

Referring to claim 13, Sugiyama discloses a post-driver print processor capable

of modifying a print task, after driver processing, according to print task modification

commands, said print processor comprising: a spooler interface for receiving a print task

from a spooler (col. 6, lines 22-27); a command interface for receiving a print task

modification command (Fig. 6, col. 5, lines 52-57); a modifier for modifying said print

task according to said print task modification command, after a driver has processed

said print task, thereby creating at least one modified print task (despoiler 42 of Fig. 5,

col. 5, lines 44-51); and an output for sending at least one modified print task to one of a

printer or a spooler (col. 5, lines 44-51).

Referring to claim 14, Sugiyama discloses wherein said interface receives print

task modification commands independently of said input for receiving a print task (col. 8,

lines 3-28).

Referring to claim 15, Sugiyama discloses wherein said interface is a dialog box

(Fig. 6, col. 5, lines 52-57).

Referring to claims 20 and 21, Sugiyama discloses a computer readable medium

comprising instructions for modifying a print task with a post-driver print processor, said

instructions comprising the acts of: receiving a printer-driver-converted print task at said

print processor, said printer-driver-converted print task being received from a spooler

(col. 6, lines 22-27); receiving print task modification commands at said print processor (Fig. 6, col. 5, lines 52-57); and modifying said printer-driver-converted print task with said print processor (despoiler 42 of Fig. 5, col. 5, lines 44-51).

Referring to claim 22, Sugiyama discloses a method for modifying a print task with a print processor, said method comprising the acts of: sending a print task to a driver (col. 6, lines 22-27); converting said print task with said driver (col. 7, lines 8-21); prompting a user for print task modification commands (Fig. 6, col. 5, lines 52-57); creating a spool file for said converted print task (col. 7, lines 22-27); sending said spool file to a spooler (col. 6, lines 22-27); spooling said spool file to a modifying non-driver print (despoiler 42 of Fig. 5, col. 5, lines 44-51); modifying said spool file according to said print task modification commands, after said converting by said driver, thereby creating at least one modified print task (col. 5, lines 44-51); sending said at least one modified print task to at least one printing device (col. 7, lines 4-7).

8.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et al. Patent 6, 348,971.

Referring to claim 23, Owa et al. discloses " a method for distributing a print task to multiple printing devices with a print processor, said method comprising the acts of: generating a print task from an application (application program, Col. 9, lines 38-44), said print task being configured for printing on a single printing device (document 30, Col. 8, lines 52-56); invoking a print driver for combining device initialization and environment data for said single printing device and print task data from said application

and creating a spool file (print data Col. 9, lines 45-65); obtaining cluster printing data

(user print condition input section 14, Col. 4, lines 18-20); sending said spool file to a

spooler (print request router 46, Col. 9-10, lines 61-67, 1-4); spooling said spool file to a

cluster-enabled print processor (CPP) (network printer provider 48, Col. 10, lines 3-13);

modifying said spool file data with said CPP to cause said print task to be distributed to

multiple printing devices thereby creating at least one modified print task (Col. 9, lines

50-60); and sending said at least one modified print task to said multiple printing

devices" (print data, Col. 9-10, lines 61-67, 1-18). The document disclosed by Owa et

al. is a print task consisting of no modifications and is not split into print jobs. Loading of

the execution modules into memory preformed by the core driver of Owa et al. is

interpreted to encompass device initialization for the single printing device. Owa et al.

presents that the print data is generated from the print driver and the print request router

stores this print data in a spool file. While it is not explicitly stated, the reference does

indicate that the spool file is created between the components of the print driver and

print request router, which implies that the print data generated by the print driver is a

spool file. The print request router of Owa et al. stores print data and transfers the print

data when it is time to print. This function is identical to the function of a spooler, and

these components are equivalent. The print request router of Owa et al. then transfers

the spool file to a network print processor which modifies a print task based off the

supplied network address. Again, the software disclosed by Owa et al. performs

equivalently to the applicant's print processor software.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama

Patent 6,965,958 as applied to claim 3 above, and further in view of Taniguchi et al.

Patent 6, 348,972.

Referring to claim 4, Sugiyama discloses prompting a user for print task

modification commands, but does not disclose expressly said prompting is print-

processor based. Taniguchi et al. disclose prompting that is print-processor based

(S605 of Fig. 6, col. 6-7, lines 61-67, 1-10). Sugiyama and Taniguchi et al. are

combinable because they are from the same field of printing systems. At the time of the

invention, it would have been obvious to a person of ordinary skill in the art to utilize

prompting from the printer. The motivation for doing so would have been to allow the

user to perform print job commands at the location where the document is printed so as

to make the printing more secure and convenient. Therefore, it would have been

obvious to combine Taniguchi et al. with Sugiyama to obtain the invention as specified

in claim 4.

11.   Claims 6, 7, 10, 16 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sugiyama Patent 6,965,958 as applied to claims 3 and 13 above,

and further in view of Owa et al. Patent 6, 348,971.

        Referring to claim 6, Sugiyama discloses modification commands but does not

disclose expressly dividing a print task into multiple modified copies. Owa et al.

disclose dividing a print task into multiple modified print tasks" (S45 of Fig. 11, col.12,

lines 51-53). Owa et al. states that a print task can be divided by each page in the print

task. Sugiyama and Owa et al. are combinable because they are from the same field of

printing systems. At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to divide a print task into multiple print tasks. The motivation for

doing so would have been to reduce the time needed to print a document. Therefore, it

would have been obvious to combine Owa et al. with Sugiyama to obtain the invention

as specified in claim 6.

        Referring to claims 7 and 16, Sugiyama discloses modification commands but

does not disclose expressly dividing a print task. Owa et al. discloses wherein dividing

comprises job splitting (S45 of Fig. 11, col.12, lines 51-53). Sugiyama and Owa et al.

are combinable because they are from the same field of printing systems. At the time of

the invention, it would have been obvious to a person of ordinary skill in the art to divide

a print task into multiple print jobs. The motivation for doing so would have been to

reduce the time needed to print a document. Therefore, it would have been obvious to

combine Owa et al. with Sugiyama to obtain the invention as specified in claims 7 and

16.

Referring to claims 10 and 19, Sugiyama discloses modification commands but

does not disclose expressly dividing a print task into multiple modified copies. Owa et

al. disclose dividing a print task into multiple modified print tasks and further comprising

the act of distributing said multiple modified print tasks to a plurality of printing devices

(S81-S87 of Fig. 16, col. 14-15, lines 55-67, 1-14). Owa et al. presents print data being

generated to each selected printer according to modifications. At the time of the

invention, it would have been obvious to a person of ordinary skill in the art to divide a

print task into multiple print tasks. The motivation for doing so would have been to

reduce the time needed to print a document. Therefore, it would have been obvious to

combine Owa et al. with Sugiyama to obtain the invention as specified in claims 10 and

19.

12.   Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sugiyama Patent 6,965,958 and Owa et al. Patent 6, 348,971 as

applied to claims 6 and 13 above, and further in view of Shimada Patent 6,654,136.

Referring to claims 8 and 17, Sugiyama discloses modification commands but

does not disclose expressly copy splitting. Shimada discloses dividing of a print task

comprising copy splitting (col. 9, lines 40-60). Shimada gives an example of dividing a

print task consisting of four copies into four print tasks for three printers. At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

allow print tasks to be split among a plurality of printers according to each copy. The

motivation for doing so would have been to decrease the required time needed to print

multiple copies of a print task without the added expense of purchasing a faster printer.

Therefore, it would have been obvious to combine Shimada with Sugiyama to obtain the

invention as specified in claims 8 and 17.

Referring to claims 9 and 18, Sugiyama discloses modification commands but

does not disclose expressly copy and job splitting. Shimada discloses a combination of

copy splitting and job splitting (col. 9, lines 40-60). Shimada gives an example of

dividing a print task consisting of four copies into four print tasks for three printers. At

the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to allow print tasks to be split among a plurality of printers according to

each copy. The motivation for doing so would have been to decrease the required time

needed to print multiple copies of a print task without the added expense of purchasing

a faster printer. Therefore, it would have been obvious to combine Shimada with

Sugiyama to obtain the invention as specified in claims 9 and 18.

13.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sugiyama Patent 6,965,958 as applied to claim 1 above, and further in view of

Onuma Patent 6,570,669.

Referring to claim 11, Sugiyama discloses a print task but does not expressly

disclose wherein said print task is a printer-ready file. Onuma discloses a print task

consisting of a printer-ready file (RAW file, Col. 6, lines 6-9). At the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to

incorporate a printer-ready file format. One of ordinary skill in the art would have been

motivated to do this because the printer-ready file, or a RAW file, is a standard format

available for print tasks at the time this invention was made and the data sent to a

printer for printing needs to be in a format suitable for printing. Therefore, it would have

been obvious to combine Onuma with Sugiyama to obtain the invention as specified in

claim 11.

Referring to claim 12, Sugiyama discloses a print task but does not expressly

disclose wherein said print task is journalled printer data. Onuma discloses a print task

consisting of journalled printer data (EMF file, Col. 6, lines 9-15). At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

incorporate journalled printer data format. One of ordinary skill in the art would have

been motivated to do this because journalled printer data, or an EMF file, is a standard

format available for print tasks available at the time this invention was made. Therefore,

it would have been obvious to combine Onuma with Sugiyama to obtain the invention as

specified in claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter K. Huntsinger whose telephone number is

(571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Moore can be reached on (571)272-7437. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.
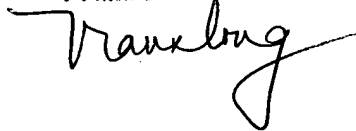
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PKH

DOUGLAS Q. TRAN
PRIMARY EXAMINER